

Docket No. DIA 011115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF: Elliott, Robert Bartlett
CASE: 011115
SERIAL NO.: 09/857,325
FILED ON: February 14, 2002
TITLE: Preparation and Xenotransplantation of Porcine Islets

Declaration under 37 CFR 1.132

Sir,

1) The Examiner has rejected claims 110, 111, 120, 123, and 152-156 under 35 USC 102(e) as being anticipated by Elliott (USPN 6,146,653 or 6,090,400).

The undersigned hereby declares that the claimed invention disclosed in the instant application (joint inventor Robert Bartlett Elliott of Auckland, New Zealand) was not described in a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent for the following reason:

The applicant for granted patents USPN 6,146,653 or 6,090,400 was one and the same inventor, Robert Bartlett Elliott of Auckland, New Zealand.

2) The Examiner has rejected claims 110, 111, 120, 123, and 152-156 under 35 USC 102(f) because the inventor did not invent the claimed subject matter.

The undersigned hereby declares that one inventor of the claimed invention, Robert Bartlett Elliott of Auckland, New Zealand, was simultaneously the same inventor on granted patents USPN 6,146,653 or 6,090,400.

Respectfully submitted,

Signed:

Robert Bartlett Elliott

At:

Auckland New Zealand.

Date:

19/11/04